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Remarks

Reconsideration of the above-captioned application is respectfully requested. The objection to Claim 9's improper dependency has been cured. As to the "means for outputting" mentioned in the objection to Claim 21, which invited Applicant to comment as to corresponding structure in the specification, Applicant refers to, e.g., the output device 29, page 10, last two lines.

The indefiniteness rejections of Claims 6, 19, and 21 stemming from antecedent basis discrepancies have been cured herein.

Claims 8, 15, and 16 have been rejected under 35 U.S.C. §102 as being anticipated by Mobley et al., USPN 6,848,019, and Claim 21 has been rejected under 35 U.S.C. §103 as being unpatentable over Mobley et al. in view of Singer, USPP 2002/0041460.

To overcome its rejection, Claim 15 has been amended to specify measuring actual determining times of associated with at least some respective accesses as set forth on, e.g., page 9, last four lines. Claims 1-21 remain pending.

Mobley et al. is directed to improving HDD performance by sorting pending commands by corrected seek times. The seek times are corrected by estimating (not actually measuring) a seek time for each command in the queue and then applying a correction factor to account for positional offsets between heads, Mobley et al. abstract and summary; figure 10. It appears that the only thing that is actually measured in Mobley et al. is the offset between heads, which appears to remain constant, Mobley et al. summary. Accordingly, the seek times in the relied-upon portions of Mobley et al. (col. 5, line 56-col. 6, line 1 and col. 8, lines 35-53) are estimated seek times. Indeed, actually measuring seek times for each command in the queue prior to executing any commands would not make sense, as it would amount to doubling the

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amount of each required head movement (one for the measurement to sort the commands, and then another to actually execute the command) and hence reduce, not increase, the efficiency sought by Mobley et al.

Applicant makes the above point while noting that col. 6, lines 4-12 of Mobley et al. appears to state that each seek operation at block 166 includes actual actuator motion. Applicant believes that what Mobley et al. is explaining are the factors that go into the operation being estimated, not stating that the seek estimation itself relies on physically measuring seek times. Indeed, at col. 5, line 60 Mobley et al. makes clear that the various times in blocks 164, 166, and 168 "are evaluated", not measured; col. 8, lines 13-15 emphasize that estimates of seek times are being used, not actual measurements of seek times. As stated above, substituting actual test physical seeks for the estimation discussed elsewhere in Mobley et al. would not make sense in light of the document as a whole.

Accordingly and now turning to Claim 8, in contrast to Mobley et al. Claim 8 executes accesses from a reference sector to plural target sectors, records an access time for each one, and then orders the access times in a data structure. The data structure may subsequently be used to optimize efficiency. On the other hand, because Mobley et al. evidently is directed to in-service seek estimation to optimize efficiency, the actual execution of test accesses to order the commands in the queue would make no sense for reasons set forth above. For this reason, it is believed that independent Claim 8 and amended independent Claim 15 are patentable.

The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

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